

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT CALIFORNIA
3

2010 MAY 8 PM 1:44
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

SHARON HANEY)

Plaintiff, ProSe)

V.)

HUNT & HENRIQUES)

Attorneys at Law)

Defendant)

CITIBANK (SOUTH DAKOTA) N.A.)

Co-Defendant)

SACV10-659 AG (ANx)

Case No:

Trial By Jury Demanded

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5
6
7
8
9 PLAINTIFFS' STATEMENT OF CLAIM

10 STATEMENT UPON WHICH RELIEF CAN BE GRANTED

11 COMES NOW the Plaintiff, Sharon Haney.

12 At all times hereinafter mentioned, The Plaintiff was and still is a resident of Orange County
13 State of California. Thus establishing the jurisdiction of this Court and is conferred by 15 U.S.C.
14 §1681p, 15 U.S.C. §1692k.

15 From here on Sharon Haney, will be known as the Plaintiff.

16 Plaintiff respectfully submits Plaintiff's Statement of Claim and Statement Upon Which Relief
17 Can Be Granted.

18 STATEMENT OF CLAIM
19

20 The Defendant, Hunt & Henriques, Attorneys at Law is a 3rd party debt collectors located at 151
21 Bernal Road, Suite 8, San Jose, CA, 95119-1306, as such is governed under the law by The Fair
22 Debt Collection Practices Act 15 USC Section § 1601, et seq. The Co-Defendant Citibank
23 (South Dakota) N.A. ("Citibank") is a corporation organized and existing under the laws of the

State of South Dakota, with its principal place of business at 701 E. 60th St N, Sioux Falls, South Dakota 57117-1251. Citibank does business in California and in the county of Orange. Citibank may be served with process at 701 E 60th St N, Sioux Falls, South Dakota 57117-1251. Co-Defendant Citibank (South Dakota)N.A. is a credit lender and as such governed under the law by The Fair Credit Reporting Act 15 USC Section § 1681, *et seq.* and reports accounts to the national credit reporting agencies i.e. Trans Union, Equifax and Experian and Innovis all national credit reporting agencies.

The State of California abides by and adheres to these laws. Specifically The Fair Credit Reporting Act 15 USC Section § 1681, *et seq.* and The Fair Debt Collection Practices Act 15 USC Section § 1601, *et seq.* The Defendants are governed under these laws.

The Plaintiff denies ever having any contractual agreement for credit, loans or services relationship with the Defendants.

Even if the Plaintiff did have such an agreement, which Plaintiff denies, the alleged account is not in question here. But the fact as to how it was or was not validated and wrongful actions of the Defendants in an attempt to collect and credit reporting of the alleged debt, violated the civil rights of the Plaintiff and the law as outlined in The Fair Debt Collection Practices Act 15 USC Section § 1601, *et seq.* and The Fair Credit Reporting Act 15 USC Section § 1681, *et seq.*

On or about November 16, 2009, the Plaintiff received a letter from the Defendant Hunt & Henriques demanding payment of an alleged account. The Plaintiff contacted the Defendant on November 30, 2009, via the US Postal Service, Certified Mail # 7009 1410 0002 2979 7125, which was received by the Defendant on December 2nd, 2009. In that written correspondence, the Plaintiff disputed the alleged debt and demanded that the Defendant Hunt & Henriques validate the alleged debt by providing strict proof of the alleged indebtedness. To date, the Plaintiff has not received any response from Defendant pursuant to her request for validation, yet debt collection activity from the Defendant has continued.

Count I:

The Defendant has violated Section 809, **Validation of debts [15 USC 1692g]** of the FDCPA by not providing Proof of the alleged debt as requested by the Plaintiff's letter of November 30, 2009, and by continuous collection activity prior to validation of the debt.

§ 809. Validation of debts 15 USC 1692g

(b) If the consumer notifies the debt collector in writing within the thirty-day period described in subsection (a) that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector **shall cease collection of the debt**, or any disputed portion thereof, until the debt collector obtains verification of the debt or any copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of original creditor, is mailed to the consumer by debt collector.

The Defendant Hunt & Henriques has **failed to cease collection** and has **failed to validate the alleged debt**.

Plaintiff demands judgment for \$1,000.00 for each of the above violations \$2,000.00

Plaintiff re-alleges the allegations set forth in paragraphs 1 through 66 hereinabove.

Count II

Overshadowing 1996 U.S. Dist. LEXIS 22555, *

DEBRA TYCHEWICZ, Plaintiff, v. RICHARD DOBBERSTEIN d/b/a CREDIT ASSOCIATED, Defendant. 96-C-0195-S

The Plaintiff has 30 days to respond to this alleged account and the statement "contact us at 1 (800) 496-5051 and arrange a payment plan" indicated that the Plaintiff must contact them immediately as opposed to the 30 days as allowed by law.

Plaintiff demands judgment in the amount of \$1,000.00

Plaintiff re-alleges the allegations set forth in paragraphs 67 through 75 hereinabove.

Count III

Plaintiff notified the Defendant Hunt & Henriques in her letter dated November 30, 2009, sent via US Postal Service, Certified Mail # 7009 1410 0002 2979 7125, which was received by the Defendant on December 2nd, 2009, that it was extremely inconvenient for her to receive phone calls at her place of employment or at her home.

The Defendant repeatedly violated **15 USC 1692 d**

A debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

Plaintiff has received several phone calls from Defendant Hunt & Henrique's asking to kindly return this call by calling 800 496-5051. The Plaintiff has phone logs where Defendant called Plaintiff on February 9, 2010, February 16, 2010, March 5, 2010, March 10, 2010, March 17, 2010, March 29, 2010, April 06, 2010, April 25, 2010, after Defendant was notified it was inconvenient for Plaintiff to receive calls at her home.

Plaintiff demands judgment in the amount of \$1000.00.

Plaintiff re-alleges the allegations set forth in paragraphs 76 through 93 hereinabove.

Count IV

§ 807. False or misleading representations 15 USC 1692e

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

On or about April 12, 2010, Plaintiff received from Defendant Hunt & Henriques a letter stating "Our firm has filed suit against you." To date the Defendant has not validated the alleged debt.

The Defendant is required by **§ 809. Validation of debts 15 USC 1692g** (b) If the consumer notifies the debt collector in writing within the thirty-day period described in subsection

(a) that the debt, or any portion thereof, is disputed, or that the

consumer requests the name and address of the original creditor, the debt collector

shall cease collection of the debt, or any disputed portion thereof, until the debt

collector obtains verification of the debt or any copy of a judgment, or the name and

address of the original creditor, and a copy of such verification or judgment, or name

and address of original creditor, is mailed to the consumer by debt collector.

As the Defendant has never provided any competent evidence or legal validation, the Defendant falsely and deceptively is pursuing the collection of an alleged debt.

Plaintiff demands judgment in the amount of \$1000.00.

Plaintiff re-alleges the allegations set forth in paragraphs 94 through 113 hereinabove.

Count V

On October 27, 2009, Plaintiff after obtaining copies of her TransUnion, Experian, and Equifax credit report noticed Co-Defendant Citibank (South Dakota) N.A., was reporting derogatory, erroneous, and inaccurate information in her credit report. The Plaintiff sent letters to all three (3) credit agencies via US Postal Service Certified Mail Return Receipt disputing the derogatory, erroneous, and inaccurate information. TransUnion, Experian, and Equifax confirmed they were reporting the alleged accounts correctly as all three credit agencies stated they contacted each source directly.

On or about January 26, 2010, after Plaintiff obtained copies of her TransUnion, Experian, and Equifax credit report once again notice Co-Defendant Citibank (South Dakota)N.A., still reporting derogatory, erroneous, and inaccurate information in her credit report. The Plaintiff sent the Co-Defendant a letter via US Postal Service Certified Mail Return Receipt #7009 2820 0002 3023 7993, which the Co-Defendant received on January 28, 2010, disputing the derogatory information and the alleged debt. As of today, Co-Defendant Citibank (South Dakota)NA has not responded with proof of any alleged account and has continued to report derogatory, erroneous, and inaccurate information in the Plaintiff's TransUnion, Experian, and Equifax credit reports and is updating reports monthly. The Co-Defendant is required to notify the Major Credit Reporting Agencies that the alleged accounts are in dispute, which the Co-Defendant has not done.

Reporting erroneous and inaccurate information.

VIOLATIONS OF THE FAIR CREDIT REPORTING ACT

According to the Fair Credit Reporting Act, section 623. Responsibilities of furnishers of information to consumer reporting agencies [15U.S.C. §1681s-2]:

(a) Duty of furnishers of information to provide accurate information.

(1) Prohibition.

(A) Reporting information with actual knowledge of errors. A person shall not furnish any information relating to a consumer to any consumer-reporting agency if the person knows or

141 consciously avoids knowing that the information is inaccurate.

142 (B) Reporting information after notice and confirmation of errors. A person shall not furnish
143 information relating to a consumer to any consumer-reporting agency if

144 **(i) the person has been notified by the consumer, at the address specified by the**
145 **person for such notices, that specific information is inaccurate: and**

146 (ii) the information is, in fact, inaccurate.

147 (2) Duty to correct and update information. A person who

148 (A) regularly and in the ordinary course of business furnishes information to one or more
149 consumer reporting agencies about the person's transactions or experiences with any consumer;
150 and

151 (B) has furnished to a consumer reporting agency information that the person determines is not
152 complete or accurate, shall promptly notify the consumer reporting agency of that
153 determination and provide to the agency any corrections to that information, or any
154 additional information, that is necessary to make the information provided by the person to the
155 agency complete and accurate, and shall not thereafter furnish to the agency any of the
156 information that remains not complete or accurate.

157 (3) Duty to provide notice of dispute. If the completeness or accuracy of any information
158 furnished by any person to any consumer reporting agency is disputed to such person by
159 a consumer, the person may not furnish the information to any consumer reporting
160 agency without notice that such information is disputed by the consumer.

161 (b) Duties of furnishers of information upon notice of dispute.

162 (1) In general. After receiving notice pursuant to section 611(a)(2) [§ 1681i] of a dispute
163 with regard to the completeness or accuracy of any information provided by a person to a
164 consumer reporting agency, the person shall

165 (A) conduct an investigation with respect to the disputed information;

166 (B) review all relevant information provided by the consumer reporting agency pursuant to
167 section 611(a)(2) [§ 1681 i];

168 (C) report the results of the investigation to the consumer reporting agency; and

169 (D) if the investigation finds that the information is incomplete or inaccurate, report those results
170 to all other consumer reporting agencies to which the person furnished the

information and that compile and maintain files on consumers on a nationwide basis.

(2) Deadline. A person shall complete all investigations, reviews, and reports required under paragraph (1) regarding information provided by the person to a consumer reporting agency, before the expiration of the period under section 611 (a)(1) [§ 1681 i] within which the consumer reporting agency is required to complete actions required by that section regarding that information.

The Co- Defendant has reported this alleged account to all three bureaus since October 2009 and has updated this alleged account for a period of eight months in all three bureaus with erroneous and inaccurate information through today as they have not provided validation of the alleged debt/account.

Plaintiff demands judgment for \$24,000.00

Plaintiff re-alleges the allegations set forth in paragraphs 114 through 182 hereinabove.

Count VI

Failure to mark the account in dispute

According to the Fair Credit Reporting Act, section 623. Responsibilities of furnishers of information to consumer reporting agencies [15U.S.C. §1681s-2]:

(a) Duty of furnishers of information to provide accurate information.

(1) Prohibition.

(A) Reporting information with actual knowledge of errors. A person shall not furnish any information relating to a consumer to any consumer-reporting agency if the person knows or consciously avoids knowing that the information is inaccurate.

(B) Reporting information after notice and confirmation of errors. A person shall not furnish information relating to a consumer to any consumer-reporting agency if

(i) the person has been notified by the consumer, at the address specified by the person for such notices, that specific information is inaccurate: and

(ii) the information is, in fact, inaccurate.

(2) Duty to correct and update information. A person who

(A) regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about the person's transactions or experiences with any consumer; and

(B) has furnished to a consumer reporting agency information that the person determines is not complete or accurate, shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate, and shall not thereafter furnish to the agency any of the information that remains not complete or accurate.

(3) Duty to provide notice of dispute. If the completeness or accuracy of any information furnished by any person to any consumer reporting agency is disputed to such person by a consumer, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

The Co-Defendant in regards to the Experian, TransUnion, and Equifax credit reports of Plaintiff does not reflect that the information is disputed by the consumer even though the Plaintiff has sent a letter of validation/dispute to the Co-Defendant and to date the Co-Defendant has not responded. The Co-Defendant has reported this account to all three national credit reporting agencies since October 2009 and has updated same for a period of eight months in all three agencies through today.

Plaintiff demands judgment for \$24,000.00

Plaintiff re-alleges the allegations set forth in paragraphs 183 through 219 hereinabove.

Count VII

Co-Defendant also violated under the Fair Credit Reporting Act Section 1681n.

Civil Liability for willful noncompliance

Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to the consumer in an amount equal to the sum of—

- (1) Any actual damages sustained by the consumer as a result of the failure;
- (2) Such amount of punitive damages as the court may allow; and
- (3) In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

Under the Fair Credit Reporting Act Section 1681o. Civil liability for negligent noncompliance

Any consumer reporting agency or user of information which willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of—

- (1) Any actual damages sustained by the consumer as a result of the failure;
- (2) In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

Plaintiff demands judgment for punitive damages of \$30,000.00

Plaintiff re-alleges the allegations set forth in paragraphs 220 through 239 hereinabove.

The Plaintiff has contacted by certified US Mail all three national credit reporting agencies in these matters Experian, Equifax, and Trans Union with letters of dispute and they have responded that they are reporting this information correctly as provided by Co-Defendant Citibank (South Dakota)NA. The Co-Defendant's have damaged the Plaintiffs Credit Report, Credit Score and have committed Defamation of Character PerSe' against the Plaintiff.

WHEREFORE, the Defendant and Co-Defendants have violated The Fair Debt Collection Practices Act, and The Fair Credit Reporting Act, Plaintiff demands judgment in the amount of \$83,000.00, plus all costs of this action along with punitive damages in the amount of \$150,000.00, or as the court may allow along with Private Attorney General fees of \$3000.00 as prescribed by law *Graziano v. Harrison*, 950 F.2d 107, 113 (3d Cir. 1991), 15 U.S.C. sec. 1692k(a)(3), (see *Zagorski v. Midwest Billing Services, Inc.*, F.3d---(1997 WL 695401, 7th Cir.) or 128 F. 3d 1164 (7th Cir., 1997).

Plaintiff re-alleges the allegations set forth in paragraphs 240 through 252 hereinabove.

The Plaintiff has tried every way possible to resolve these issues amicably but has not been replied to and has been ignored in these matters, thus leaving the Plaintiff no alternative but to seek relief through this Honorable Court.

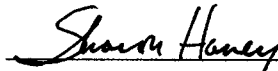
Statement Upon Which Relief Can Be Granted

1. A settlement agreement between the Plaintiff and the Defendants that the Defendants shall remove any derogatory information and inquires from all four major credit-reporting agencies, Trans Union, Equifax, Experian, and Innovis and any other known credit

reporting agencies the Defendants has used now or may use in the future.

2. Defendants must also provide a letter and or Universal Data Form indicating that they have done this and send same to the Plaintiff.
3. The Defendants will be barred now or in the future from selling or transferring of the alleged debt to any other collection agency or attorney or entity and also barred now and in the future from re-entering this information into the Plaintiffs credit reports.
4. The Defendants must cease and desist any further collection activities against the Plaintiff and the Defendants may not Sell or Transfer the alleged account to any other Collection Agency or Attorney or entity now or in the future.
5. Payment of \$83,000.00 for their violations.
6. Private Attorney General Fees must be paid to the Plaintiff.
7. Damages as allowed by the Court.

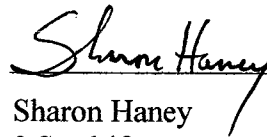
Respectfully submitted this 18th Day of May 2010.



Sharon Haney, Plaintiff
9 Seadrift
Irvine, CA 92604
949 861-8155
sharonhaney@sbcglobal.net

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing complaint/summons Haney vs. Hunt & Henriques, Attorneys at Law/Citibank (South Dakota) N.A., has been served upon the Defendants at their business address at, Hunt & Henriques, Attorneys at Law, 151 Bernal Road, Suite 8, San Jose, CA 95119-1306 (408 362-2270), Citibank (South Dakota)N.A. 701 E 60th St N, Sioux Falls, South Dakota 57117-1251, on or about 18th day of May 2010 with affidavit of service by U.S. Postal Service Certified Mail Return Receipt to follow to be submitted to the Clerk of the Court.

A handwritten signature in cursive script, reading "Sharon Haney", is written over a horizontal line.

Sharon Haney
9 Seadrift
Irvine, CA 92604
949 861-8155
sharonhaney@sbcglobal.net

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) SHARON HANEY, ProSe		DEFENDANTS HUNT & HENRIQUES - Defendant Attorneys at Law CITIBANK (SOUTH DAKOTA) N.A. - Co-Defendant	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Sharon Haney, Plaintiff, ProSe 9 Seadrift, Irvine, CA 92604 949 861-8155		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF DEF</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF DEF</td> </tr> <tr> <td><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td></td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> <td></td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF	Incorporated or Principal Place of Business in this State	PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1		<input type="checkbox"/> 4 <input type="checkbox"/> 4		Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF	Incorporated or Principal Place of Business in this State	PTF DEF														
<input type="checkbox"/> 1 <input type="checkbox"/> 1		<input type="checkbox"/> 4 <input type="checkbox"/> 4															
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ 236,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 USC 1601, et seq., The Fair Debt Collection Practices Act. 15 USC 1681, et seq., The Fair Credit Reporting Act.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: SACV 10-659 AG(ANX)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Jose	Sioux Falls, S.D.

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Sharon Henry

Date MAY 18, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV10- 659 AG (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Sharon Haney

9 Seadrift

Irvine, CA 92604

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SHARON HANEY

PLAINTIFF(S)

v.

HUNT & HENRIQUES

Attorneys at Law

CITIBANK (SOUTH DAKOTA)N.A.

DEFENDANT(S).

CASE NUMBER

SACV10-659 AG (ANx)**SUMMONS****FOR OFFICE USE ONLY**

TO: DEFENDANT(S): HUNT & HENRIQUES, Attorneys at Law
CITIBANK (SOUTH DAKOTA)N.A.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Sharon Haney, whose address is 9 Seadrift, Irvine, CA 92604. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: MAY 18 2010

By: _____

TRINA DEBOSE

Deputy Clerk

(Seal of the Court)

1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].